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International Convention
on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Nepal

1. The Committee considered the fourteenth report of Nepal (CERD/C/337/Add.4), which was due on 1 March 1998 at its 1415th meeting (CERD/C/SR.1415), held on 9 August 2000. At its 1427th meeting (CERD/C/SR.1427), held on 18 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee appreciates the submission of the report, which contained a frank and open discussion of the State party's socio-economic profile, as well as detailed information on the legal framework relating to the implementation of the Convention.

B. Positive aspects

3. Welcoming the information from the delegation that the National Human Rights Commission began its activities at the end of May 2000, the Committee looks forward to being kept informed about its future work.

4. The Committee welcomes the initiatives undertaken by the State party, such as the Decision of 17 July 2000 on the emancipation of bonded labourers and the adoption of the 1997 Compensation for Torture Act, demonstrating its commitment to furthering the human rights of its people.

5. The Committee welcomes the adoption of the State party's Ninth Plan, containing important policies, strategies and programmes, which aim inter alia, to eradicate racial discrimination against disadvantaged groups by addressing their socio-economic development.

C. Factors and difficulties impeding the implementation of the Convention

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6. In light of the multi-ethnic and multicultural society of the State party, the Committee notes that the existence of certain traditional customs, i.e. the caste system, and social attitudes are obstacles to efforts to combat discrimination. The Committee further notes that extreme poverty, which affects a significant part of Nepal's population, and the presence of a large number of refugees from neighbouring countries are factors which represent serious difficulties in the fulfilment of the State party's obligations under the Convention.

D. Concerns and recommendations

7. In view of the State party's reservation on articles 4 and 6 of the Convention, the Committee remains concerned that the full implementation of those provisions may not be ensured, and therefore reiterates its previous recommendation to the State party to consider withdrawing its reservation.

8. The Committee requests the State party to provide in its subsequent reports information, on, inter alia, the National Human Rights Commission's responsibilities, composition, methods and achievements particularly in combating racial discrimination. The Committee recommends that, the State party provide adequate resources to ensure the capacity and effectiveness of this institution.

9. The Committee expresses concern about the absence in the report of disaggregated data on the population, including by age, sex, nationality, ethnic origin, religion, including caste, and language. The Committee recommends that the State party provide these data in subsequent reports.

10. While noting the detailed information provided in the report of constitutional and legislative provisions relating to the implementation of the Convention, the Committee regrets the absence of any information on the effectiveness of these measures. The Committee emphasizes that guarantees of non-discrimination laid down in constitutional or legislative provisions, without mechanisms to monitor their application, do not on their own ensure the enjoyment of non-discrimination. The Committee reiterates its previous recommendations that the State party provide information in subsequent reports on the practical implementation and monitoring of articles 4, 5 and 6 of the Convention, including on mechanisms for the receipt of complaints, conducting investigations and prosecutions and implementing consequent decisions.

11. The Committee remains concerned at the existence of caste-based discrimination, and the denial which this system imposes on some segments of the population of the enjoyment of the rights enshrined in the Convention. The Committee reiterates its previous recommendation that the State party provide information in its next periodic report on the implementation of practical and substantive measures to eradicate the practice of the caste system, including measures for the prevention of caste-motivated abuse and the prosecution of State and private actors responsible for such abuse. Moreover, the State party is encouraged to implement, inter alia, affirmative measures to advance and protect persons subjected to caste-based discrimination.

12. The Committee emphasizes that the State party is responsible for ensuring that the Convention is implemented at the local level, and recommends that the State party ensure adequate support to local authorities, including development of professional capacity, for implementation of the Convention and that it continue to prioritize and target social services for persons belonging to the most vulnerable groups.

13. The Committee is concerned about the situation of a large number of refugees from neighbouring countries in Nepal, and regrets the absence of any information in the report on their situation. Furthermore, the Committee is concerned at the absence of legislative protection for refugees and asylum-seekers. The Committee requests the State party to include in subsequent reports information on the situation of refugees. It reminds the State party of the

importance it attaches to international instruments relating to the protection of refugees and to the adoption of national legislation that ensures that refugees enjoy the rights contained in the Convention.

14. In connection with the implementation of article 7 of the Convention, the Committee reiterates its previous recommendation that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers and social workers, and include the teaching of human rights in school curricula. The Committee encourages the State party to carry out comprehensive public education campaigns to combat discriminatory traditional customs and societal attitudes. The Committee would welcome information in subsequent reports on the effectiveness of these measures.

15. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

16. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

17. The Committee recommends that the State party's report be made readily available to the public from the time it is submitted and that the Committee's concluding observations on the report be similarly disseminated.

18. The Committee recommends that the State party ensure the submission of its fifteenth periodic report, and that it be an updating report, addressing all the points raised in the present observations.